

# EXHIBITS

**CASE #** DCI2009-00005

**CASE NAME:** Oasis Cove RFD/CFD

**Attach copy of this form to top of packet of exhibits & place exhibits in case file.**

**ARE THERE ANY BOARD EXHIBITS?           YES           NO**

## LOCATION OF BOARDS

**If there are any board exhibits, attach another copy of this form to boards for identification purposes.**

# Oasis Cove RPD/CPD DCI2009-000005

---

Application to rezone 32.54  
acres from RPD to RPD/CPD

APPLICANT'S EXHIBIT #1  
3/14/2010 *W*  
DCI2009-000005



Oasis Cove RPD/CPD  
DCI2009-00005

---

Owner: Beck Group of Fort  
Myers, LLC

Area: 32.54 acres

Location: Gladiolus Drive

Request: Rezone from RPD to  
RPD/CPD

# Applicant's Agents

---

## Attorney

Charles Basinait, Esq.  
Henderson, Franklin, Starnes &  
Holt, P.A.

## Planner

Stacy Ellis Hewitt, AICP  
Banks Engineering

## Transportation Consultant

Ted B. Treesh  
TR Transportation Consultants,  
Inc.

## Engineer

David R. Underhill, Jr., PE  
Banks Engineering

## Environmental Consultant

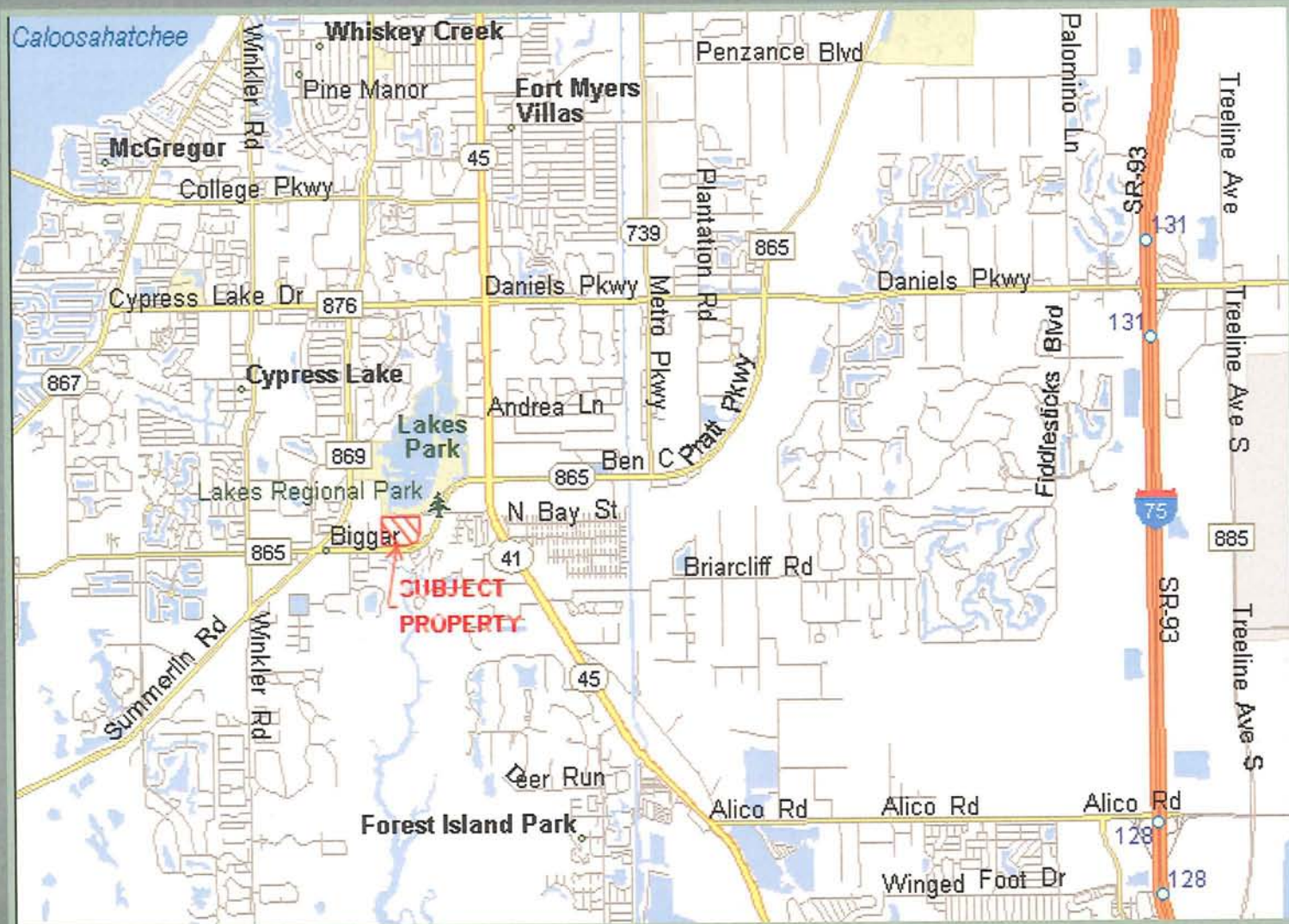
Craig Smith  
W. Dexter Bender & Associates,  
Inc.

## Landscape Architect

Paul J. Klens



# Location Map





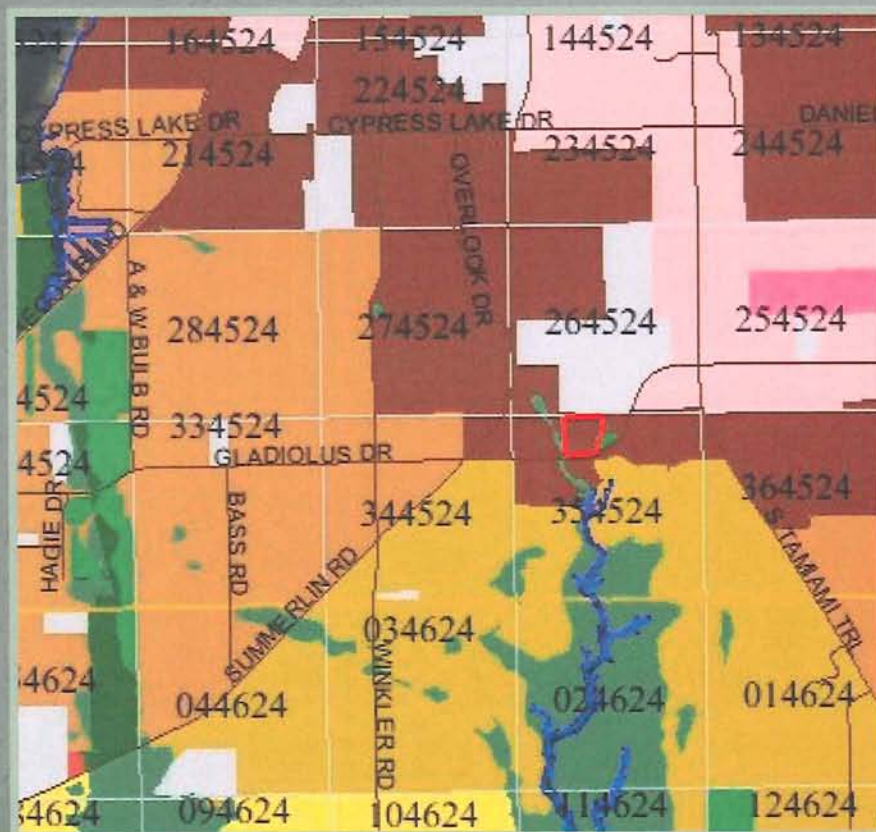
# Aerial Map



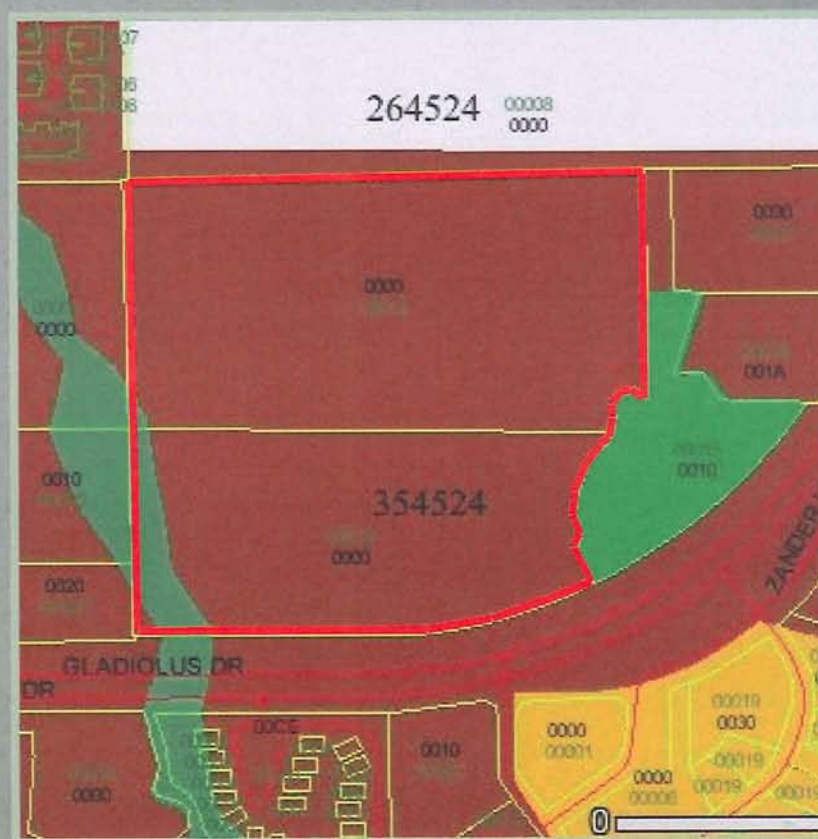


# Future Land Use Map

FLU – SURROUNDING AREA

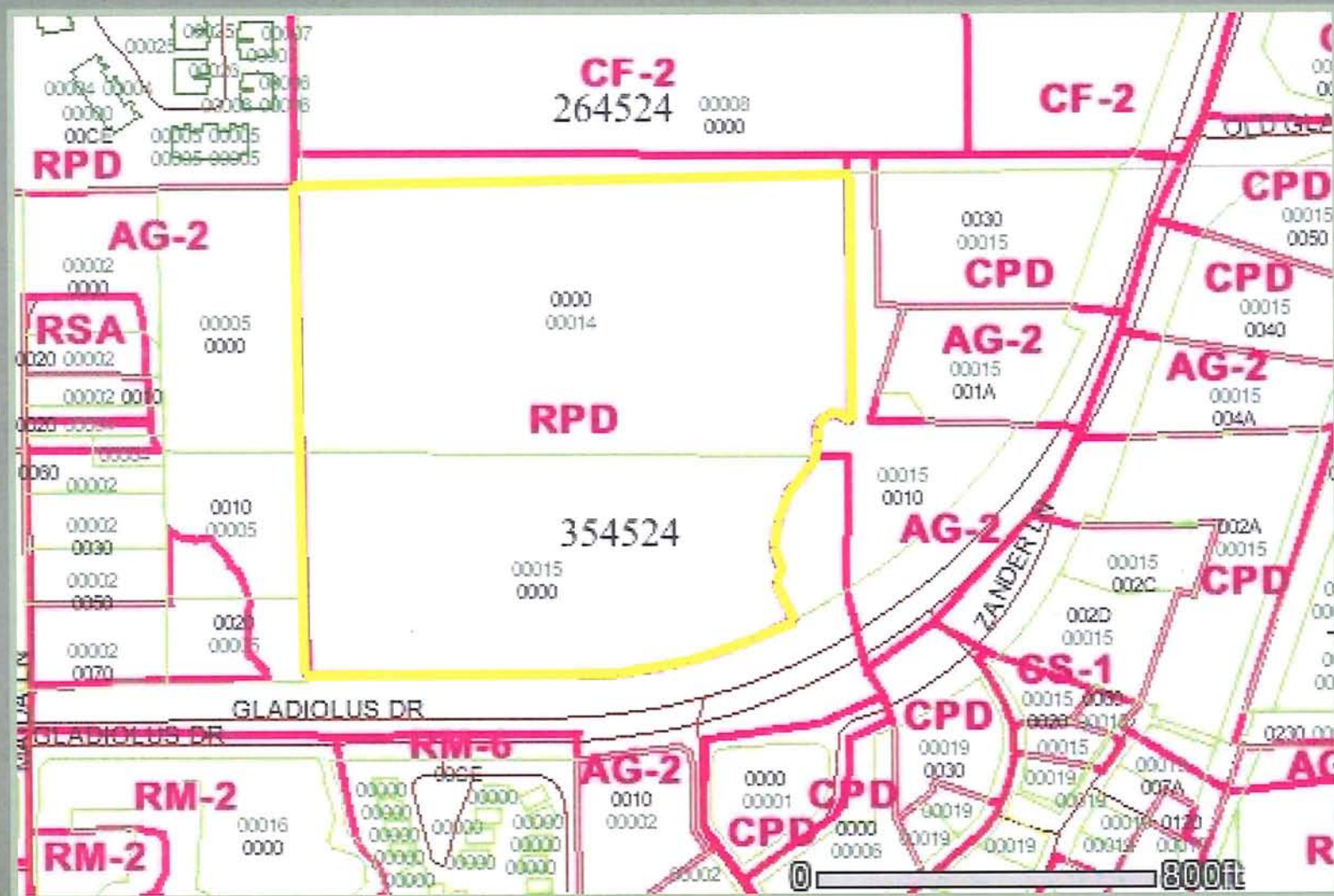


FLU – IMMEDIATE AREA





# Zoning Map





# Current Entitlements

---

- RPD Zoning for 275 Multi-Family DUs
  - Approved by BOCC on August 30, 2004 (Z-04-043)
  - Administrative Amendment to zoning (ADD2006-00184)
- SFWMD Environmental Resource Permit
- Local Development Order approved on May 4, 2007
- Concurrency Certificate Approved on May 4, 2007

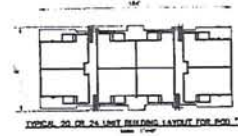
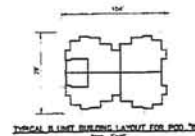
# BOCC Approved MCP Z-04-043

## PROJECT SUMMARY DATA:

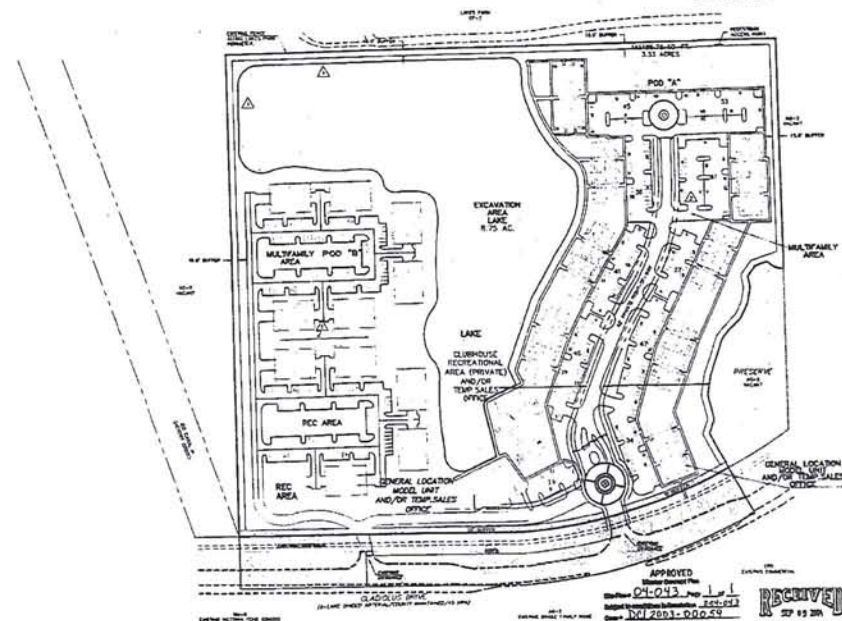
NET SITE AREA: 22.14 ACRES  
 TOTAL LOTS: 128 LOTS  
 LOTS PER ACRE: 5.8  
 LOTS PER ACRES (± 0.1)  
 TOTAL LOTS PROPOSED: 276 LOTS  
 LAND USE CLASSIFICATION: CENTRAL URBAN  
 ZONING: AD-1  
 PROPOSED ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD)  
 OPEN SPACE: 10% MIN. COMMON OPEN SPACE  
 WATER: LEE COUNTY UTILITIES  
 SEWER: LEE COUNTY UTILITIES  
 FIRE DISTRICT: SOUTH TOWN FIRE DISTRICT  
 FLOOD ZONE: AL-1A FLOOD HAZARD LEE COUNTY  
 FLOOD ZONE MAP 122124 021 C

## SCHEDULE OF DEMANDS:

PLEASE SEE RESOLUTION



GRAPHIC SCALE 1" = 100'



No Native Preservation  
 No wetland preservation  
 No FEMA Flow way

**FOCUS DEVELOPMENT GROUP**  
 2200 Corporate Center Dr., Suite 200  
 Boca Raton, FL 33433

**Banks Engineering, Inc.**  
 Professional Engineers, Planners & Land Surveyors  
 1000 W. US HWY 1, Suite 100  
 Fort Myers, FL 33901  
 PHONE: (813) 939-1100 FAX: (813) 939-1101  
 E-MAIL: INFO@BANKSENG.COM

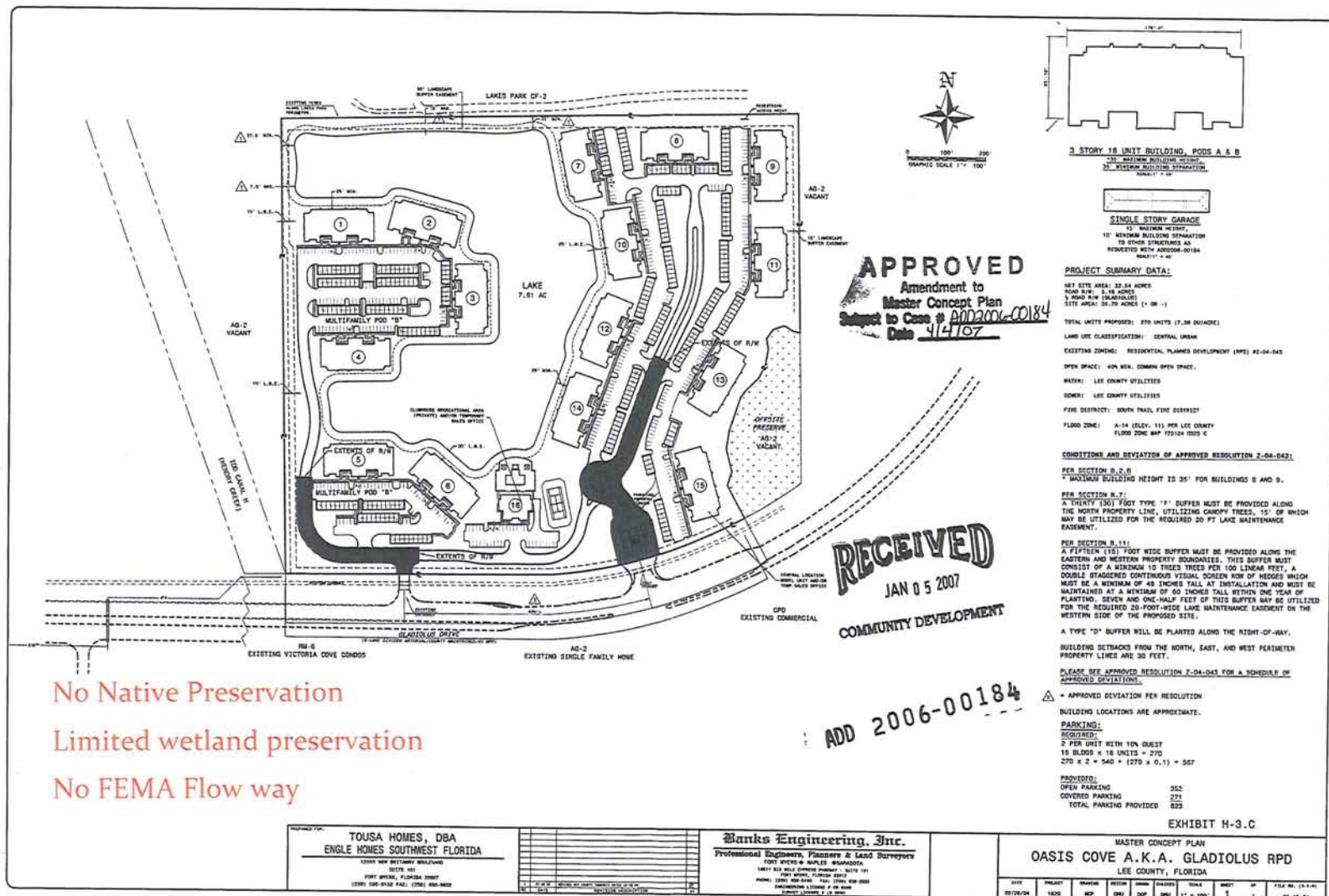
MASTER CONCEPT PLAN  
**GLADIOLUS RPD**  
 LEE COUNTY, FLORIDA  
 PROJECT NO. 2003-00059  
 SHEET NO. 1 OF 1  
 DATE: 12/15/03

Exhibit C



# Administrative Amendment to MCP

## ADD2006-00184



No Native Preservation  
Limited wetland preservation  
No FEMA Flow way

# South Florida Water Management District Environmental Resource Permit



SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
STANDARD GENERAL PERMIT NO. 35-05787-P  
DATE ISSUED: August 9, 2006

Form #0941  
08/95

PERMITTEE: BECK GROUP OF FORT MYERS INC  
2150 GOODLETTE ROAD NORTH SUITE 700  
NAPLES, FL 34102

PROJECT DESCRIPTION: Construction and operation of a surface water management system serving 32.54 acres of a residential development known as Oasis Cove (aka Reflection Cove) with discharge into waters of the Hendry Creek via the IDD Canal via onsite wetlands.

PROJECT LOCATION: LEE COUNTY, SEC 35 TWP 45S RGE 24E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Notice of Intent for Permit Application No. 050301-9, dated March 1, 2005. This action is taken pursuant to Rule 40E-1.603 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and an Environmental Resource General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 19 General Conditions (See Pages: 2 - 4 of 6) and
3. the attached 18 Special Conditions (See Pages: 5 - 6 of 6)

FILED WITH THE CLERK OF THE  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

ON

ORIGINAL SIGNED BY:  
BY ELIZABETH VEGUILLA  
DEPUTY CLERK

Page 1 of 6

➤ Permitted to impact all on-site wetlands



# Current Development Order



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8587

• Bob Jones  
District One  
A. Brian Bigelow  
District Two  
Ray Judah  
District Three  
Tammy Hall  
District Four  
Frank Mann  
District Five  
Donald D. Stillwell  
County Manager  
David Owen  
County Attorney  
Diana M. Parker  
County Hearing  
Examiner

May 4, 2007

DAVID R. UNDERHILL, JR.  
BANKS ENGINEERING, INC.  
6540 WILLOW PARK DRIVE  
SUITE B  
NAPLES, FL 34109

RE: OASIS COVE  
DOS2005-00226 - DO Submittal Large  
RO4 Application (Resubmittal)A

Dear DAVID R. UNDERHILL, JR.:

Your plans for the above-referenced project have been reviewed and approved for Concurrence and a Development Order with stipulation(s). Concurrence and the Development Order are granted for the following:

Approved for 270 multi-family units in 15 three-story buildings, with a 600 square foot guardhouse & gates, a swimming pool with 180 square foot cabana, a 5,950 square foot clubhouse, a tennis court, open parking, covered parking, landscaping, utilities, stormwater management facilities, and related site improvements.  
[CNC2005-00287]

THIS CERTIFICATE OF CONCURRENCE SHALL BE VALID AND EFFECTIVE UNTIL 5/4/2010. DURING THE NEXT THREE (3) YEARS, the Development Services Division is authorized to issue building permits for the construction of the building(s) indicated above without further review of the Concurrence requirements by the Division. Upon expiration of the Concurrence Certificate, the project will be subject to the concurrence program in effect at the time of expiration. No vested right to a Concurrence Certificate will exist solely due to the existence of an otherwise effective Development Order.

THIS DEVELOPMENT ORDER WILL BE VALID FOR A PERIOD OF SIX (6) YEARS AND IS SCHEDULED TO EXPIRE ON 5/4/2013.

Approval is subject to the following stipulation(s) and/or comment(s):

LC Outdoor Lighting Checklist (Ord. 03-18)

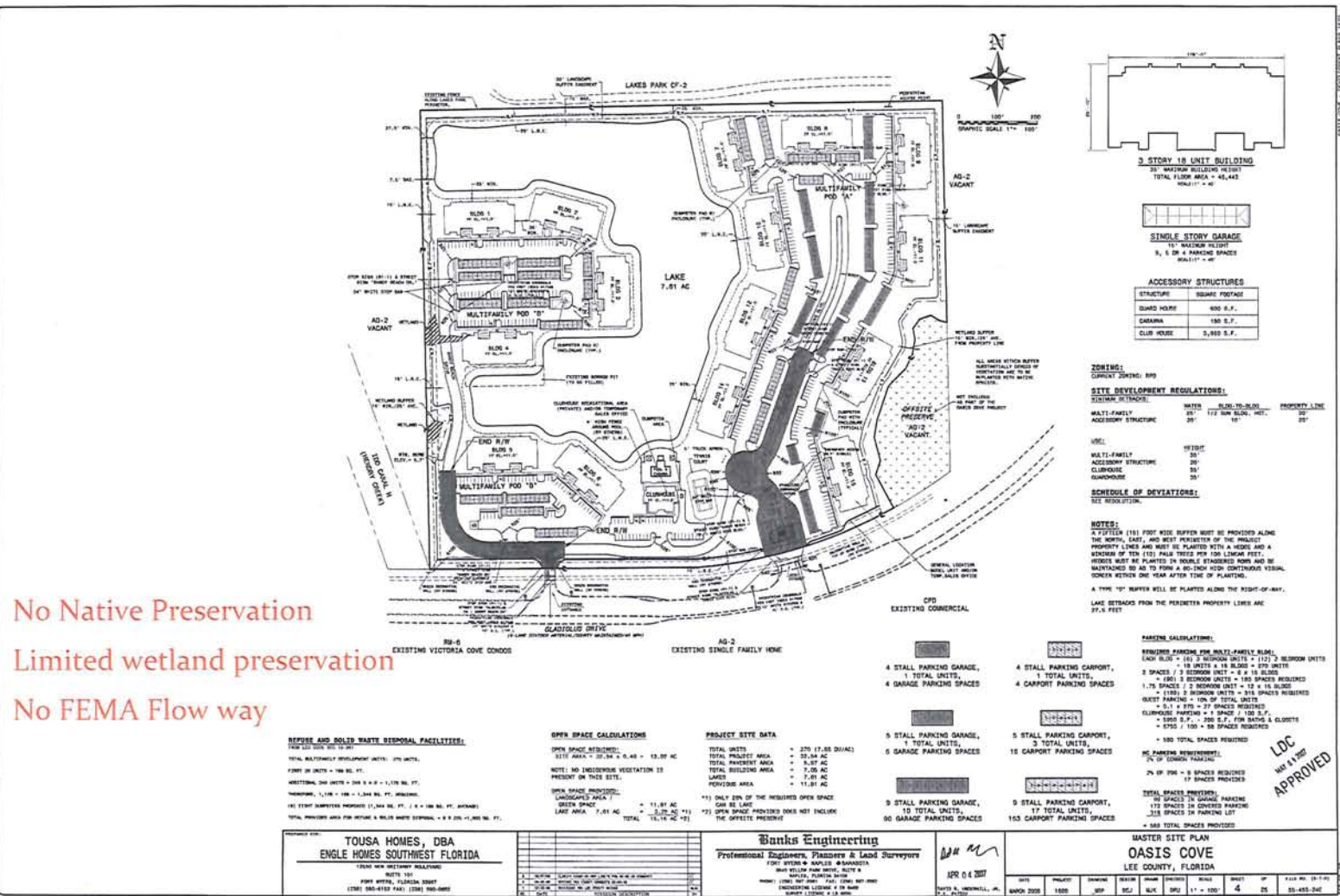
5b) At time of the inspection for issuance of a Certificate of Compliance initial illumination may not exceed 0.5 foot candles as measured at the property line, or 0.2 foot candles measured at 10 feet from the property line onto an adjacent residentially zoned property or use. [34-625(d)(1), Table 1 Note (2)]

Stipulation

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111  
Internet address: <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

- Approved for 270 MF DUs
- Current RPD Allows 275 DU
- No Indigenous Preservation
- No enhanced buffer adjacent to Lakes Park

# Development Order DOS2005-00226



No Native Preservation  
Limited wetland preservation  
No FEMA Flow way



# Summary of Request

---

## RPD

- Maximum 190 DUs
- 21.75 Acres
- Max. Height 45'
- MF units and/or
- ALF equivalent and/or
- CCF equivalent and/or
- ILU equivalent and/or
- Any combination not to exceed equivalent of 190 DUs

# Summary of Request

---

## CPD

- 10.79 Acres
- Max. Height 45'
- Max. Total 100,000 SF

## Commercial

- Including up to 25,000 Square Feet Retail
- Medical Office
- General Office



# Requested Intensities

---

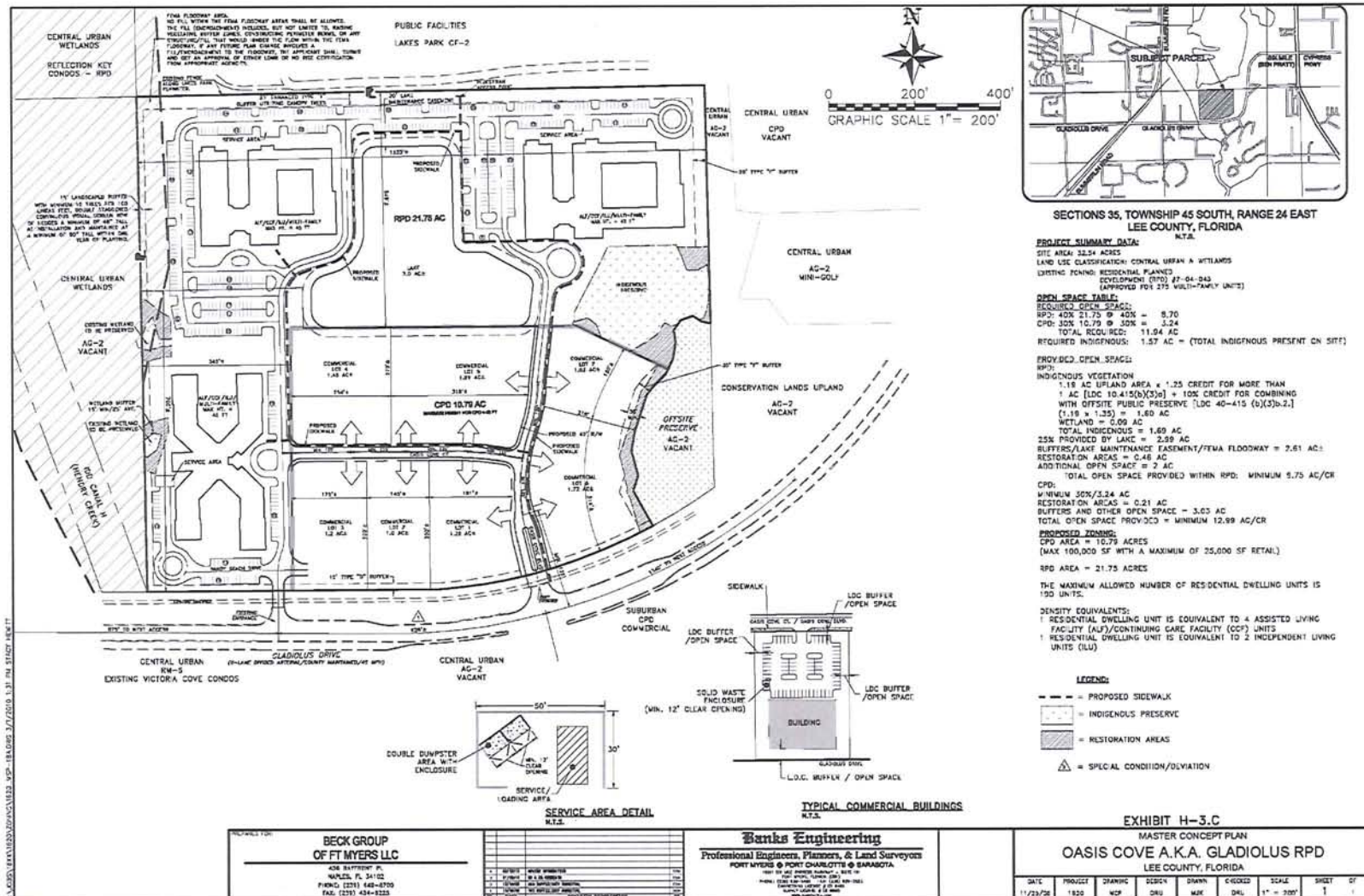
## Original

- 125,000 SF Commercial of which a maximum of 60,000 SF can be Retail.

## Revised

- Reduced to 100,000 SF Commercial of which a maximum of 25,000 SF can be Retail.

# Proposed Master Concept Plan





# Lee Plan Considerations

---

---

**THE LEE PLAN  
2009 CODIFICATION**  
As amended through May 2009

---



Department of Community Development  
Division of Planning  
P.O. Box 398  
Fort Myers, FL 33902-0398

## Policy 1.1.3

---

The **Central Urban** areas can best be characterized as the “**urban core**” of **the county**... This is the part of the county that is already **most heavily settled** and which has or will have the **greatest range and highest levels of urban service**...



# Compliance

---

- Proposed Density is consistent with standard density range
  - Have included commercial SF but have substantially reduced residential compared to current approvals
- Proposed uses are consistent with Policy 1.1.3.



## Objective 2.1

Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.





## Objective 2.2

Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.





## Policy 2.2.1

---

Rezoning ... will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety or welfare.



# Compliance

---

- Infill Development
- Close to services and existing communities
- Adequate public facilities exist
  - Access to arterial roadway
- Compact and Contiguous growth pattern

## Policy 4.1.1

---

Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.



# Compliance

---

- Functionally related to natural features
  - Maintain FEMA flow way
  - Wetland preservation
  - Indigenous preservation
- Minimizes expansion & construction of improvements
  - Adequate public facilities exist

## Policy 5.1.2

---

Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.



# Compliance

---

- Reduces density by a minimum of 85 DUs
- ALF/CCF/ILU requires on-site shelter
- Edge of CHHA and on evacuation route
- Adequate roadway capacity
- FEMA Flow way maintained

## Policy 5.1.3

---

During the rezoning process, direct high-density residential developments to locations that are **near employment and shopping centers**; are **close to parks and schools**; and are accessible to **mass transit and bicycle facilities**.

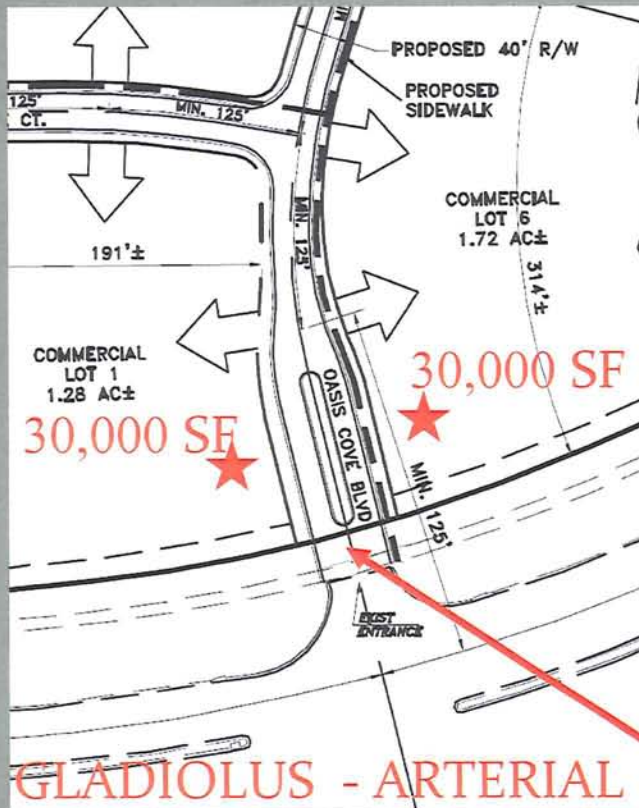


# Compliance

---

- Near Employment
  - Retail, Medical Office, Office
- Adjacent to Lakes Park (regional park)
- Close to schools
- Public, Private, and Christian
- Transit
  - Relative proximity to Lee Tran Routes 50, 130 & 140
  - 2020 Financially Feasible Transit Network Map
- Bicycle Facilities (Gladiolus sidewalks)

# Policy 6.1.2



## Commercial Site Location Standards

Qualifies for 2 Minor Commercial at each corner of local road and arterial – 60,000 SF – Request reduced to 25,000 SF.

PROPOSED LOCAL ROAD



## Policy 6.1.6

---

The land development regulations will require that commercial development provide **adequate and appropriate landscaping, open space, and buffering**. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

# Compliance

---

- Enhanced buffering along Lakes Park
- Additional Indigenous preserve
- Additional wetland preserve
- FEMA flow way



# Standard 11.1 - Water

---

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a “community” water system as defined by Chapter 17-22, F.A.C.
2. If the proposed development lies within the boundaries of a water utility’s certificated or franchised service area, or Lee County Utilities’ future potable water service area (see Map 6), then the development must be connected to that utility.
3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

# Compliance



## LEE COUNTY SOUTHWEST FLORIDA

### BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8525

Bob Jones  
District One  
January 29, 2009

A. Brian Blonow  
District Two  
Jennifer Sheppard  
Banks Engineering  
2515 Northbrooke Plaza Dr # 200  
Naples, FL 34119

Ray Judah  
District Three  
Tammy Hall  
District Four  
Frank Mann  
District Five

Donald D. Stowell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

RE: POTABLE Water and Wastewater AVAILABILITY  
Oasis Cove  
STRAP #: 35-45-24-00-00015.0000; 00014.0000

Dear Ms. Sheppard:

Potable water lines and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 7 commercial units with an estimated flow demand of approximately 92,900 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Prior to beginning design work on this project, a meeting should be scheduled with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by our Fiesta Village Wastewater Treatment Plant. The Lee County Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, This Letter Of Availability Of Water and Wastewater Service Is To Be Utilized For Re-Zoning For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

LEE COUNTY UTILITIES

*Melissa Bibeau*

Melissa Bibeau  
Engineering Tech., I  
UTILITIES ENGINEERING  
VIA FACSIMILE  
Original Mailed

ZONING - 00AAA MASTER

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111  
Internet address: <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

## Lee County Utilities Letter of Availability Shows sufficient capacity



## Standard 11.2 - Sewer

---

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.
2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within  $\frac{1}{4}$  mile from any part of the development.

# Compliance



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8525

Bob Jones  
District One  
January 29, 2009

A. Brian Bignone  
District Two  
Jennifer Sheppard  
Banks Engineering  
2515 Northbrook Plaza Dr # 200  
Naples, FL 34119

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Morris  
District Five

Donald D. Stowell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

RE: POTABLE Water and Wastewater AVAILABILITY  
Oasis Cove  
STRAP #: 35-45-24-00-00015.0000; 00014.0000

Dear Ms. Sheppard:

Potable water lines and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 7 commercial units with an estimated flow demand of approximately 92,900 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Prior to beginning design work on this project, a meeting should be scheduled with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by our Fiesta Village Wastewater Treatment Plant. The Lee County Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, This Letter Of Availability Of Water and Wastewater Service Is To Be Utilized For Re-Zoning For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

LEE COUNTY UTILITIES

*Melissa Bibeau*

Melissa Bibeau  
Engineering Tech., I  
UTILITIES ENGINEERING  
VIA FACSIMILE  
Original Mailed

ZONING - 00AAA MASTER

P.O. Box 388, Fort Myers, Florida 33902-0388 (239) 533-2111  
Internet address <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Lee County Utilities  
Letter of Availability  
Shows sufficient capacity



## Standard 11.3 - Traffic

---

1. A traffic impact statement must be submitted to and accepted by the county DOT for the following developments:
  - Planned Developments (as specified in the Zoning Regulations); and
2. The form, content, and level of detail required in the traffic impact statement will be established by Lee County...
  - if the development meets or exceeds the established thresholds, the traffic impact statement will provide a comprehensive assessment of the development's impacts on the surrounding road system.
  - if the development does not meet or exceed these thresholds, the traffic impact statement will provide information regarding traffic generation and impacts at the development's access points to the adjacent street system.

# Compliance

---

- Gladiolus Drive LOS “C” with or without project in 2014
- Roadway Projects:
  - Summerlin Road Fly-over
  - Summerlin Road 6-laning
  - Widening Gladiolus 6-laning west of Summerlin Road



## Objective 77.3

---

New development must use innovative open space design to **preserve existing native vegetation**, provide visual relief, and **buffer adjacent uses** and proposed and/or existing rights-of-way. This objective and subsequent policies are to be **implemented through the zoning process**.

# Compliance

---

- Enhanced buffering along Lakes Park
- Additional Indigenous preserve
- Additional wetland preserve
- FEMA flow way



# Previously Approved Deviation

## Deviation No. 1

From LDC Section 10-285(a) Table 1 arterial road connection separation from 660-feet to allow 628-foot separation on Gladiolus Drive.

- Previously approved Z-04-43
- Access Points Constructed
- Staff recommends approval

# Compatibility



## ➤ NORTH

- Lakes Park - The request places residential uses adjacent to regional park with interconnect, yet provides enhanced buffering and setback provisions for buildings and parking. Proposed commercial is a minimum of 550' from park.
- Reflection Key Condominiums – RPD/CPD accessed off Summerlin – 7 units per acre. Higher density on subject property previously deemed compatible and remains compatible.

## ➤ WEST

- Vacant land, Hendry Creek off-site, then large lot single-family residential. Proposal maintains FEMA flow way, preserves more wetlands, creates indigenous uplands around wetlands, and provides buffering above LDC requirements.



## ➤ SOUTH

- Gladiolus Drive, six-lane, divided arterial with sidewalks. Proposed is Type “D” buffer, consistent with other rezonings in area. South of Gladiolus is Victoria Cove Condominiums, vacant property, and commercial uses. Internal sidewalks connecting to Gladiolus provide further connectivity.

## ➤ EAST

- County Preservation Land then commercial property. Request provides indigenous restoration adjacent to County preserve within a 30' Type "F" buffer as well as additional upland preservation on-site. Requested uses are consistent with commercial uses already permitted in area.



## COASTAL HIGH HAZARD AREA

- Consistent with Goal 105
  - Staff agrees requested density is appropriate
  - Less than maximum density requested
  - Request reduces currently permitted residential units from 275 DUs to 190 DUs
  - Located on Evacuation route with capacity
  - Compatible with existing uses
  - Urban services available
  - Several requests approved in CHHA for higher densities and bonus densities in area

## COASTAL HIGH HAZARD AREA

- ALF/CCF Hurricane Mitigation
  - On-site shelter reduces evacuation and shelter impacts
    - Exceeds protection provided by county shelters
      - Elevation to storm surge from Category 5 storm
      - Constructed to withstand 200 mph winds
      - Minimum exterior glass & impact protected glazed openings
      - Emergency power & water supplies for up to 5 days
      - First aid medical equipment, adequate ventilation & sanitary facilities



# Design Standards Compliance

---

Lee County Land Development  
Code Section 34-411  
General Standards

General Standards

- a) Consistent with the provisions of the Lee Plan.
- b) Will be designed and constructed in accordance with all applicable County development regulations together with approved deviations.
- c) Compatible with adjacent uses, intended for proposed list of uses, and is adequate size to accommodate structures and exceed open space requirements.
- d) Access to Gladiolus Drive (6-lane arterial with sufficient capacity
- e) N/A



**General Standards** (continued)

- f) Will not create hazards to persons or property
- g) Slight portion in Archaeological Sensitivity 2 - no known
- h) Open space and preserve areas utilized to produce architecturally integrated human environment
- i) Compatible with adjacent uses and will not negatively impact surrounding land and land uses.
- j) Compatible with surrounding development.

General Standards (continued)

- k) Will be separate and mutually protected by the lakes, roadways, preserves and buffers from the different land uses.
- l) Design promotes pedestrian activity and community interaction.
- m) No conflicting uses within.
- n) Concentration of intensity varied throughout
- o) Sufficient parking will be provided
- p) Joint parking not proposed
- q) Internal consistency encouraged



# Hearing Examiner Guidelines for Decision-Making

---

Lee County Land Development  
Code Section 34-145(c)(2)a. & e.  
& 34-145(d)3.

## LDC 34-145(c)(2) Considerations

- a. Changing conditions
  - Road improvements
  - Increasing demand for ALF/CCF/ILU uses
- b, c & d. N/A
- e. Consistent with the goals, objectives, policies and intent of the Lee Plan



## LDC 34-145(d)(3)

### Findings

- a. Proven entitlement to the rezoning
  - Compliant with Lee Plan and LDC
- b. Performance and locational standards set forth for uses will be met or exceeded
- c. Consistent with densities, intensities, and general uses in Lee Plan
- d. Compatible with existing & planned uses in surrounding area

## LDC 34-145(d)(3)

### Findings (continued)

- e. Will not place an undue burden upon existing transportation or planned infrastructure facilities
- f. Preserves indigenous on-site
- g. 34-377(a)2.
  - a. The proposed list of uses is appropriate at this location.
  - b. Recommended conditions provide sufficient safeguards to the public interest
  - c. Recommended conditions are reasonably related to impacts on public's interest.



## LDC 34-145(d)(3) Findings (continued)

34-377(a)4

- a. Deviation previously approved
  - enhances the achievement of the objectives of the planned development.
- b. Preserves and promotes general intent of LDC to protect public health, safety and welfare.
- h. Urban services are available and adequate to serve the uses

# Smart Growth Analysis



# Smart Growth

---

## ➤ Mix Land Uses

- Currently, only multi-family uses are permitted on-site. Request furthers mix of uses by allowing ALF/CCF/ILUs and also a commercial component which adds to the mixed use nature of the community.

## ➤ Take advantage of compact building design.

- Preservation of existing indigenous beyond LDC requirements and vertical vs. horizontal development with multi-stories.

## ➤ Create a range of housing opportunities and choices.

- Currently, only multi-family uses are permitted on-site. Request furthers housing opportunities and choices by allowing ALF/CCF/ILUs.

# Smart Growth

---

- Create walkable neighborhoods.

- Internal sidewalks provide for an additional interconnect to Lakes Park and connect to existing sidewalks on Gladiolus which connect to sidewalks on Summerlin and U.S. 41.

- Foster distinctive, attractive communities with a strong sense of place.

- Enhanced landscaping and preservation areas are provided and development must comply with design standards of LDC.



# Smart Growth

---

- Preserve open space, farmland, natural beauty, and critical environmental areas.
  - Flow way maintained, indigenous wetland and upland preserves not required by current approvals.
- Strengthen and direct development towards existing communities.
  - This development is urban infill and the request expands the opportunities for development to take place in an area with existing development and services in place.



# Smart Growth

---

- Provide a variety of transportation choices.
  - Internal sidewalks connect to Gladiolus sidewalks on Bicycle Facilities map. Noted on the 2020 Financially Feasible Transit Network Map and near to routes 50, 140 and 130.
- Make development decisions predictable, fair and cost effective.
  - Staff and applicant have diligently worked together regarding any concerns.
- Encourage community and stakeholder collaboration in development decisions.
  - Applicant has diligently met with Parks and Recreation and Public Works and notice of public hearings will be provided to surrounding properties.



# Environmental

Craig Smith

W. Dexter Bender & Associates, Inc.

---





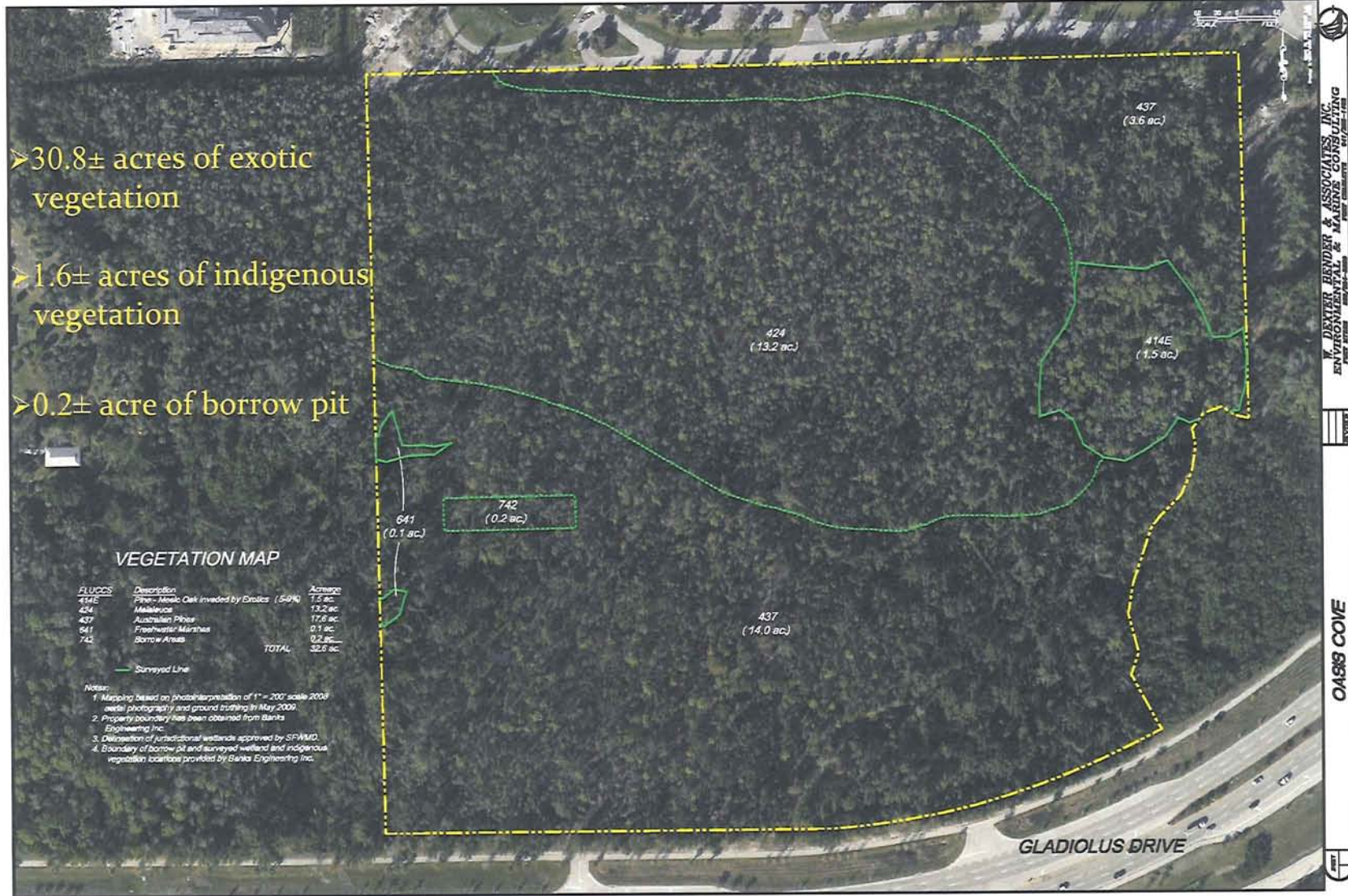
- Old limestone mine donated to Lee County in 1978
- Majority of park is open water or maintained facilities
- Active recreational park in an urban setting





# Current Vegetation Map

- 30.8± acres of exotic vegetation
- 1.6± acres of indigenous vegetation
- 0.2± acre of borrow pit





- **Rezoning Resolution Z-04-043 (August 2004)**
  - No required indigenous vegetation preserve provided
- **Administrative Amendment ADD2006-00184 (April 2007)**
  - No required indigenous vegetation preserve
  - 0.04 acre wetland and associated buffer preserved per SFWMD permit
- **Development Order DOS2005-00226 (May 2007)**
  - No required indigenous vegetation preserve
  - 0.04 acre wetland and associated buffer preserved per SFWMD permit
- **Rezoning Request DCI2009-00005 (March 2010)**
  - 1.28 acres of indigenous vegetation preservation
  - 0.67 acre of indigenous vegetation restoration



\\LH01M127\IT\AD\IT25\_C102\BUC\_5062-5\BUC-5\60100004-4\1-656\_029\25\6027\027\_0\0001\5007\0



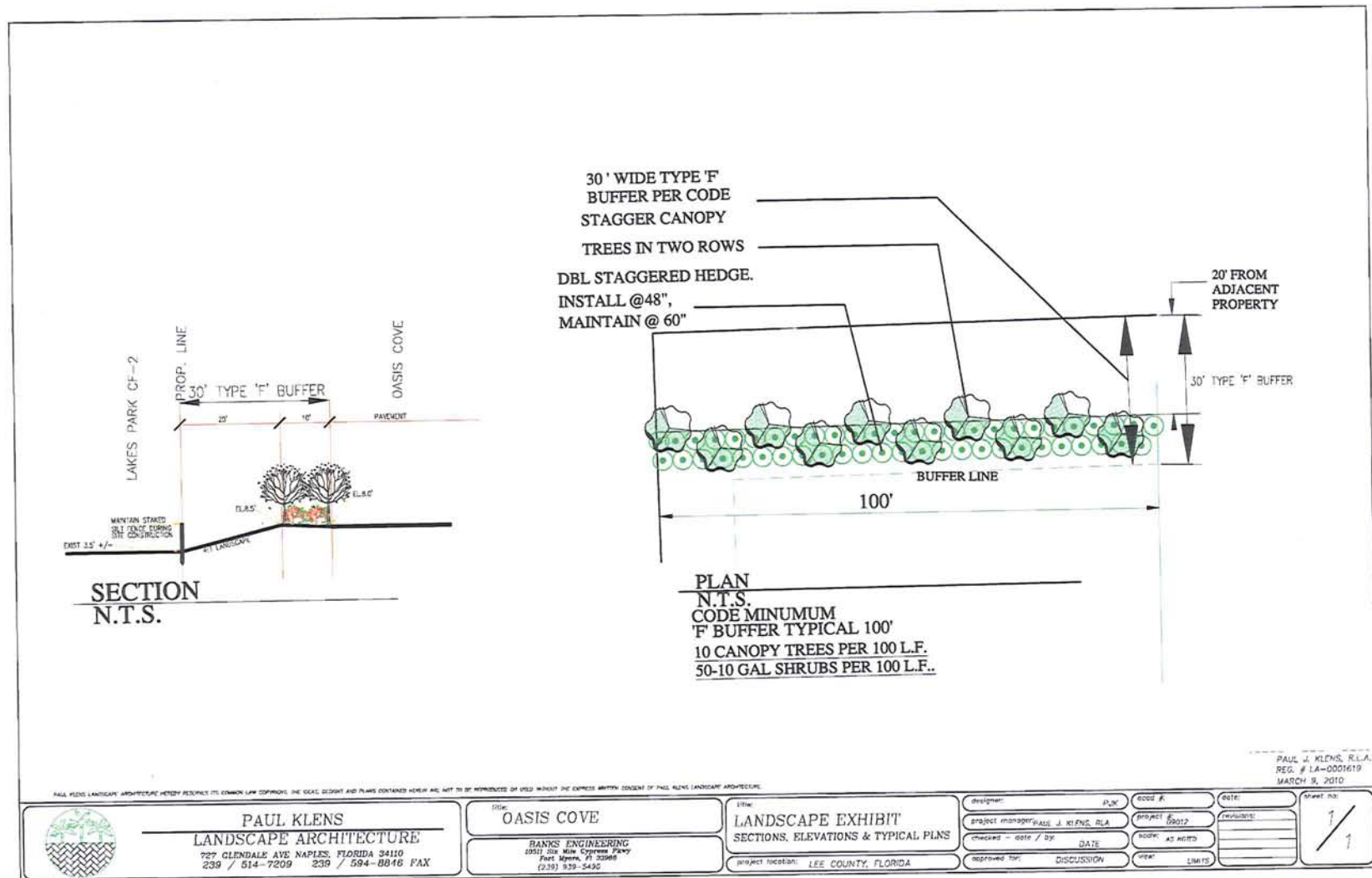
# Landscape Architect

Paul J. Klens

---

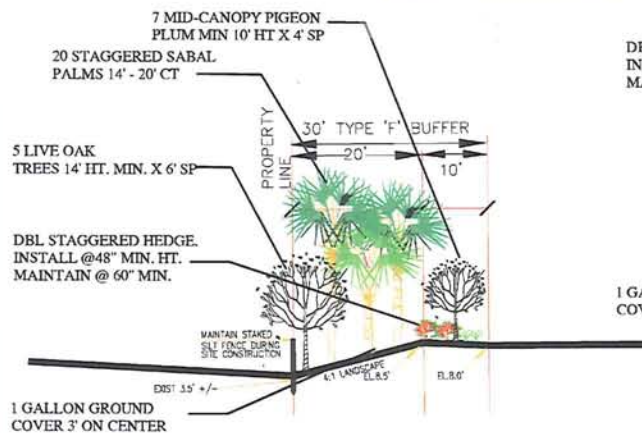


# Current Approved Buffer to Lakes Park

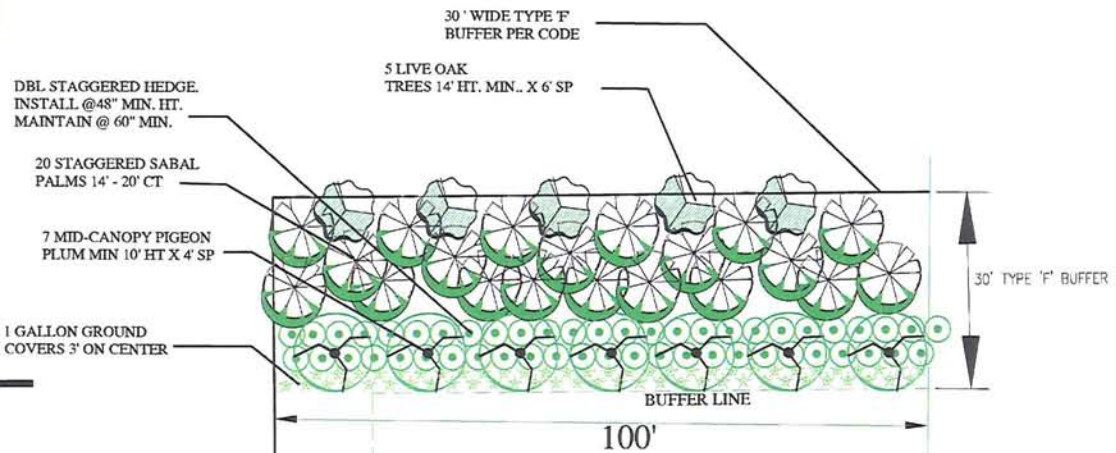


# Proposed Enhanced Buffer to Lakes Park

*Replaces Exhibit D*



SECTION 1 - ENHANCED 'F' BUFFER



ENHANCED 'F' BUFFER

N.T.S.

TYPICAL 100'

5 CANOPY TREES PER 100 L.F. - 14' MIN. HT X 6' SP.

7 MID-CANOPY TREES PER 100 L.F. - 10' MIN HT X 4' SP

20 SABAL PALMS PER 100 L.F. - 14' - 20' CT,

50-10 GAL SHRUBS PER 100 L.F. - 48" MIN. AT PLANTING, MAINTAIN @ 60" MIN.

67 1 GALLON GROUND COVERS 3' ON CENTER

PAUL KLENS LANDSCAPE ARCHITECTURE HEREBY RESERVES ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGNS AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAUL KLENS LANDSCAPE ARCHITECTURE.

PAUL J. KLENS, R.L.A.  
REG. # LA-0001619  
MARCH 9, 2010



727 GLENDALE AVE NAPLES, FLORIDA 34110  
239 / 514 7209 239 / 594-8846 FAX

DATE:

BANKS ENGINEERING  
10511 SW 15th Avenue  
Fort Myers, FL 33906  
(239) 939-5490

DATE:

project location: LEE COUNTY, FLORIDA

designer:

PJK

client:

date:

sheet no:

project manager: PAUL J. KLENS, R.L.A.

project:

revisions:

checked - date / by:

DATE

scope:

AS NOTED

approved for:

DISCUSSION

view:

LIMITS

1/1



➤ Enhanced 'F' Type Buffer Plantings:

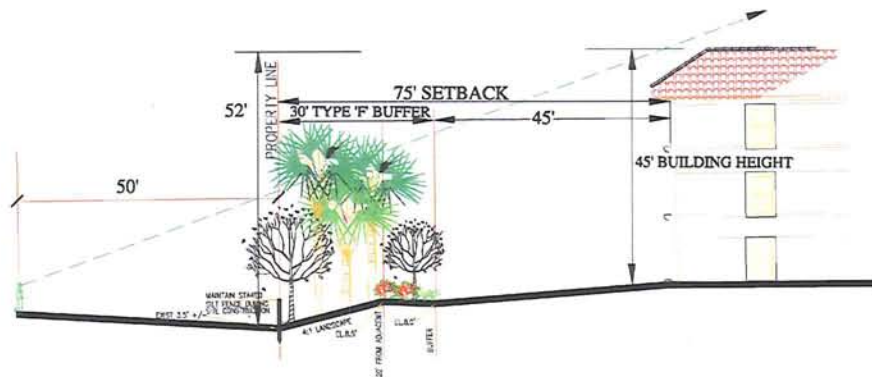
- 100% Florida Natives
- Water wise Species
- Pest Resistant
- Varied Growth Rates & screening in canopy, mid-story and ground level far exceeds code requirement.

## Buffer Species Selected for Immediate and Long Term Screening:

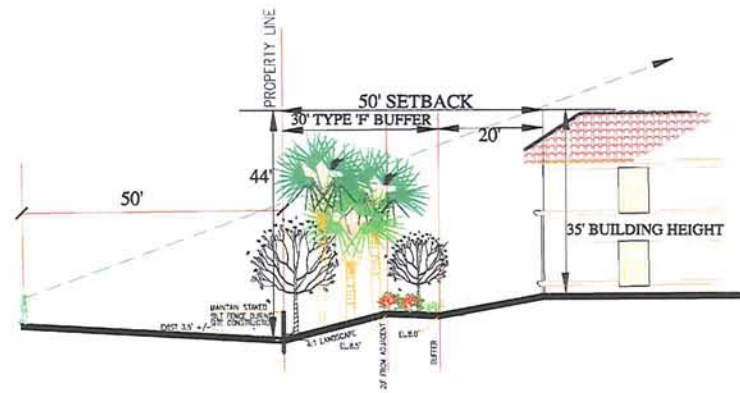
- 14'-20' cabbage palms provide immediate height & heights varied to maximize vertical screening
- Double hedge installed at 48" minimum height. Will be 5 feet tall and completely opaque in 1 year
- Fast growing pigeon plums installed at 10' initial height will fill in midstory and provide full opacity in 3-5 years
- Live Oaks with 14' initial height provide long term buffer height and dense screening



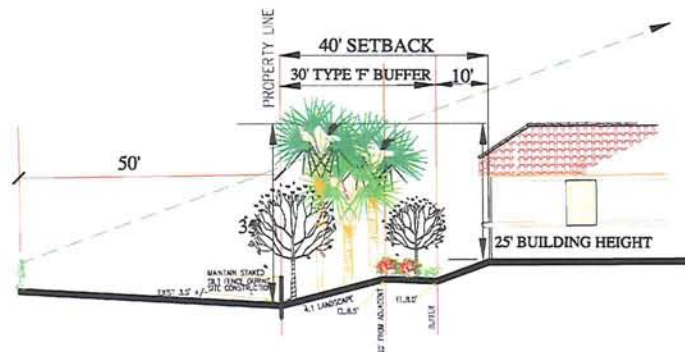
# Proposed Line of Sight from Lakes Park



SECTION 1 - PROPOSED



SECTION 2 - PROPOSED



SECTION 3 - PROPOSED

PAUL, KLENS LANDSCAPE ARCHITECTURE HEREBY RESPECTS ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGN AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAUL, KLENS LANDSCAPE ARCHITECTURE.



727 GLENDALE AVE NAPLES, FLORIDA 34110  
239 / 514-7209 239 / 594-8846 FAX

DATE:

BANKS ENGINEERING  
1051 SW 24th Street, Suite 200  
Fort Myers, FL 33906  
(239) 939-5490

DATE:

PROJECT LOCATION: LEE COUNTY, FLORIDA

DESIGNER:

SCALE: 1" = 10'

DATE:

SHEET NO:

PROJECT MANAGER: PAUL J. KLENS, R.L.A.

PROJECT # 20012

REVISIONS:

CHECKED - DATE / BY:

DATE

SCALE: AS NOTED

APPROVED FOR:

DISCUSSION

VIEW:

LIMITS

1 / 1

## 24. LAKES PARK/WILDLIFE PROTECTION

Prior to local development order approval, development order plans must depict:

- Lighting of pedestrian and parking areas for any permitted use must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the LDC; and
- Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps must not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD lots 6 and 7 if located between commercial buildings and the east property line abutting the off-site county owned preserve; and
- Mercury vapor lamps/lights are prohibited.

Prior to local development order approval, development plans for buildings within the PRD/CPD must be reviewed by ES staff for the utilization of window and/or architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and/or architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and/or door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite county owned preserve within the CPD parcel lots 6 and 7.

APPLICANT'S EXHIBIT # 2  
Devaughn-00005  
3/14/2004



**Banks Engineering**  
Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE  
LEE COUNTY HEARING EXAMINER  
2010 MAR 18 PM 3:40

**LETTER OF TRANSMITTAL**

DATE: March 18, 2010

TO: Mr. Richard A. Gescheidt PHONE: \_\_\_\_\_  
Deputy Hearing Examiner FAX: \_\_\_\_\_  
Lee County Hearing Examiner \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REFERENCE: OASIS COVE RPD/CPD – DCI2009-00005 JOB NO. 1620  
Hearing Date: 03/18/2010

COPIES	DESCRIPTION
1	Replacement page for Attachment "D" to staff report – Landscape Exhibit

REASON:  
☐ Your Comments  
☐ Your Approval  
☐ Your Information  
☒ As Per Your Request  
☐ Your Review

VIA:  
☐ Fax: \_\_\_\_\_ page total  
☐ Regular Mail  
☒ Courier  
☐ Overnight Express  
☐ Pick-up

COMMENTS: Please do not hesitate to contact me if you have any questions or require further  
information. Thank you.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

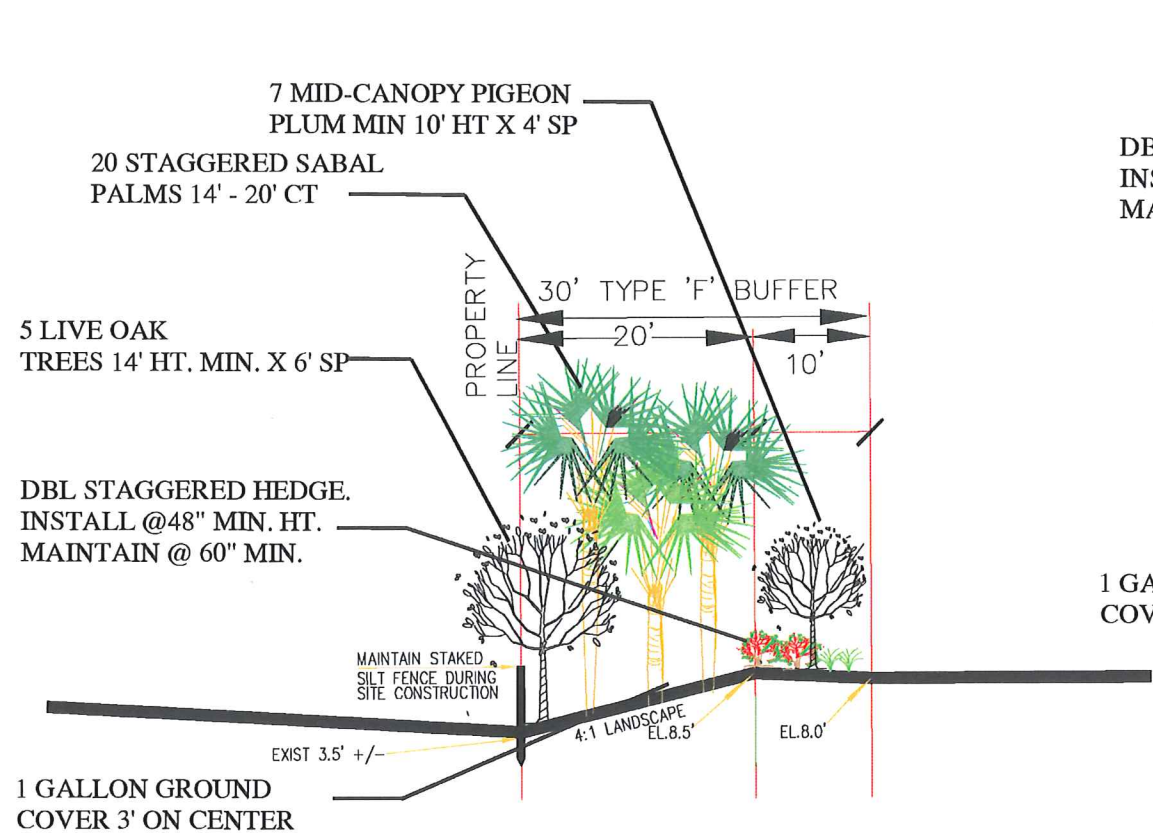
  
**Stacy Ellis Hewitt, AICP**  
**Director of Planning**

cc: Tony Palermo, AICP; Susie Derheimer; Charles Basinait, Esq.

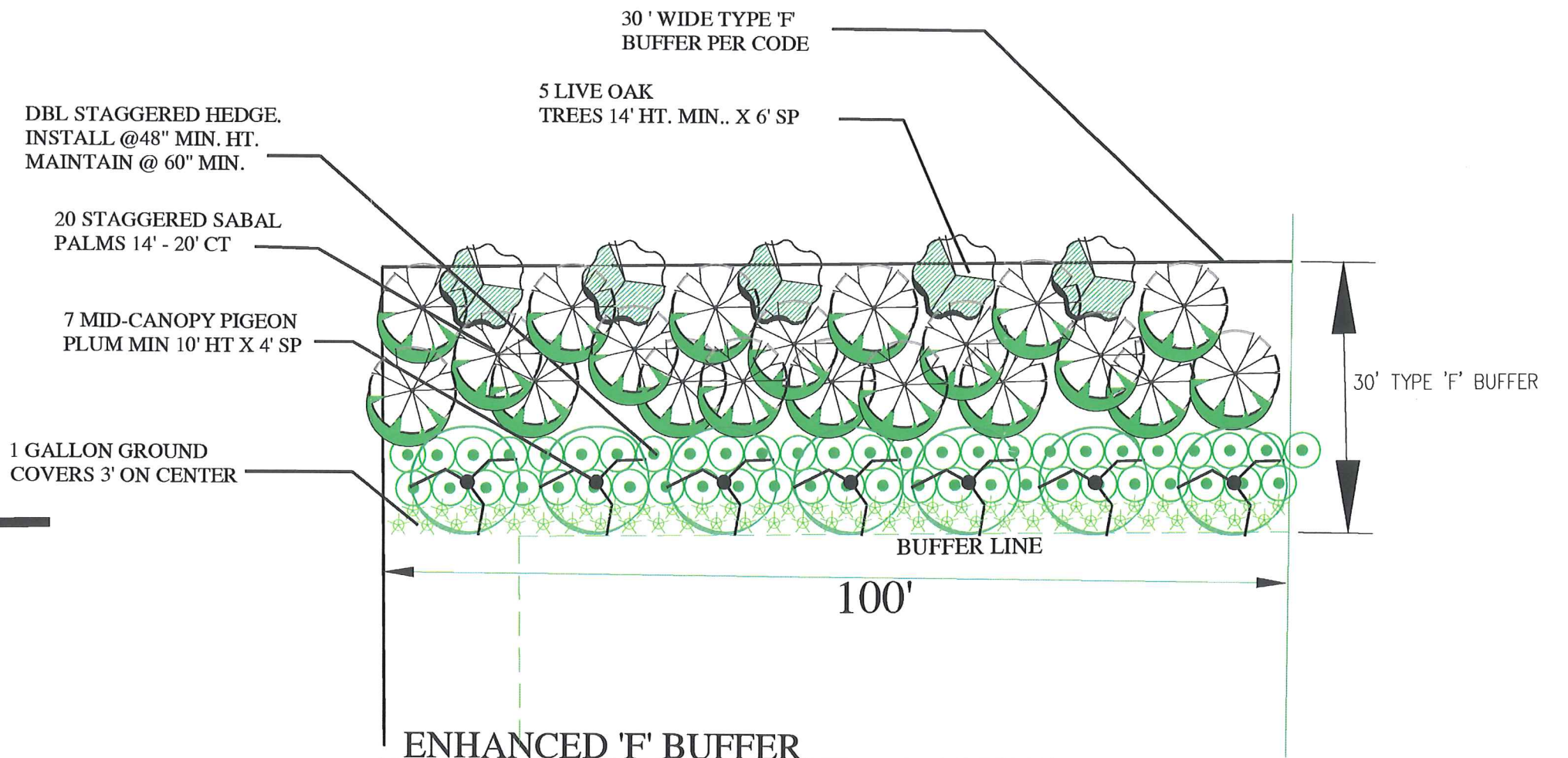
10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966 • (239) 939-5490 • Fax (239) 939-2523  
S:\Jobs\16xx\1620\Documents\Zoning\1620-PalermoTransmittal-03-02-10.doc

APPLICANT'S EXHIBIT # 3  
DCI2009-00005 Post Hearing  
Order Submission Submitted

WS  
Oasis Cove RPD



## SECTION 1 - ENHANCED 'F' BUFFER



## ENHANCED 'F' BUFFER N.T.S.

### TYPICAL 100'

5 CANOPY TREES PER 100 L.F.- 14' MIN.. HT X 6' SP.

7 MID-CANOPY TREES PER 100 L.F.-10' MIN HT X 4' SP

20 SABAL PALMS PER 100 L.F. - 14' - 20' CT,

50-10 GAL SHRUBS PER 100 L.F.. - 48" MIN. AT PLANTING, MAINTAIN @ 60" MIN.

67 1 GALLON GROUND COVERS 3' ON CENTER

PAUL KLENS LANDSCAPE ARCHITECTURE HEREBY RESERVES ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGNS AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAUL KLENS LANDSCAPE ARCHITECTURE.

PAUL J. KLENS, R.L.A.  
REG. # LA-0001619  
MARCH 9, 2010



727 GLENDALE AVE NAPLES, FLORIDA 34110  
239 / 514-7209 239 / 594-8846 FAX

title:

BANKS ENGINEERING  
10511 Six Mile Cypress Pkwy  
Fort Myers, FL 33966  
(239) 939-5490

title:

project location: LEE COUNTY, FLORIDA

designer:

PJK

acad #:

date:

project manager: PAUL J. KLENS, RLA

project #: 09012

revisions:

checked - date / by:

DATE

scale: AS NOTED

approved for:

DISCUSSION

view:

LIMITS

sheet no:

1/1



2/12/10  
# 118143  
EXHIBIT 2  
2/12/10



Department of Community Development



This map drawn for visual purposes only.  
Not to be used for official zoning map.

2008 Aerial Photography  
Printed Jan. 2010

Oasis Cove RPD/CPD  
DCI2009-00005







JAN 7 2010

Staff Conference  
EXHIBIT # 3  
3/18/2010  
09-0005  
09-0005





JAN 7 2010







**Trip Generation Comparison  
Approved DCI vs. Proposed DCI**

		AM Peak Hour			PM Peak Hour			Daily (2-way)
		In	Out	Total	In	Out	Total	
Proposed DCI	460 unit CCRC	53	30	83	59	63	122	1,294
	75,000 sq. ft. Medical Office	136	37	173	59	160	219	2,852
	25,000 sq. ft. Retail	41	27	68	123	128	251	2,758
	Total Trips	230	94	324	241	351	592	6,904
	Less Pass-By	-12	-8	-20	-37	-38	-75	-828
	New Trips	218	86	304	204	313	517	6,076
Approved DCI	275 multi-family units	20	96	116	92	46	138	1,550
<b>Trip Increase Due to Proposed Re-zoning</b>		<b>+98</b>	<b>-10</b>	<b>+88</b>	<b>+112</b>	<b>+267</b>	<b>+379</b>	<b>+4,526</b>

STAFF EXHIBIT #4  
DCI 2009-00005  
4/19/2010 w/



24/1000000000  
3/1/2010

Oasis Cove RPD/CPD  
DCI2009-00005

This map drawn for visual purposes only.  
Not to be used for official zoning map.  
Legal description may have been found  
insufficient at time of printing.



0 100 200  
Feet



Prepared by:  
Lee County DCD  
Mapped Feb. 2010

2008 Aerial Photograph

